

SPEAHRhead

NEWSLETTER of the SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS

CHINESE RIGHTS GROUPS PROCLAIM "PROTRACTED STRUGGLE"

Seven of the new democratic groups in the People's Republic of China have joined in a common attack on "political oppression," and have called for a "protracted struggle" to achieve socialist democracy. Their medium was a Peking poster, which was observed by an Agence France Press reporter in late January.

The poster stated that human rights advocates had been arrested on various pretexts, and said that all such human rights violations must be "opposed and resisted."

(Cont'd page 2)

LI-YI-ZHE THREESOME FREED

Three internationally renowned Chinese advocates of democracy were released on or around January 1 after almost four years' imprisonment. They are Li Zhengtian, Chen Yiyang and Wang Xizhe, popularly known by the collective pen name "Li-Yi-Zhe."

For Li Zhengtian, this was his second prison term for political activities. During the Great Proletarian Cultural Revolution he had written numerous articles and posters, and was reportedly arrested in August 1968. He was held

(Cont'd page 24)

EDITORIAL:

CIVIL LIBERTIES VS. ECONOMIC RIGHTS?

There has been much debate over the question of the relative importance of civil liberties and economic rights. Some people take the view that the two are incompatible, or at least that a decision must be made as to which has priority. We question this view, and invite dialogue on the subject.

We take human rights to be virtually absolute. This applies whether we are talking about civil liberties or economic rights. SPEAHR sees little if any tension between the two. Indeed, it is difficult to imagine economic rights being fully realized where civil liberties are absent, and vice versa.

There is sometimes a tendency to confuse economic rights with economic priorities. Thus, it is important to realize that not every economic "good" is a human right. To be sure, people have an absolute right to basic food and shelter. But most economic questions concern not individual rights, but their opposite: social priorities (i.e. government rights). In other words, when we are speaking about allocation of resources, we are usually talking about community rights, rather than human rights. When a society cannot afford, say, both free universal high school education and a science development program, it is up to the government to decide which is to be had. Individuals cannot appeal the decision on the grounds that their human rights are being violated.

But individuals do have the right, through non-violent political action, to appeal the decision on other than human rights grounds. It is the political activity, rather than the specific goal sought, that is the human right. And it is

(Cont'd page 21)

SEOUL'S CHALLENGE

"There is...something wrong about giving President Park credit for freeing people whom, by American lights, he should not have locked up--especially when perhaps 200 other political prisoners remain in jail and the political system allowing a president to lock them up remains unchanged....

"We suspect now that, whatever the threat Mr. Park may feel from his dissidents, a deeper challenge arises from the Korean underclass.... Not in looking for communist agents among the elite but in dealing with the legitimate grievances of the people does the Seoul government's challenge now lie."

Editorial, Washington Post 27D

CHINESE RIGHTS GROUPS (cont'd from p. 1)

Efforts must be waged not only on behalf of recently-arrested human rights advocates, but there should be no relaxation until all "oppressed citizens" had their cases properly reviewed. Toward this end, the members of the various groups were asked to gather information about individuals whose human rights had been violated, so that support could be marshaled for such people.

The organizations signing the poster were:

The April 5 [1976] Tribune
The League for Human Rights
Investigation
Peking Enlightenment Torch Society
People's Tribune
Reference News for the Masses
Today (Paris 27°29I)

"Foreigners...who are concerned with the democratic movement and show sympathy and real interest are the true friends of the Chinese people.... We thank them from the bottom of our hearts."

--From a Peking poster
(AFP BJ 24°25I)

HUMAN RIGHTS: A TAIWANESE VIEW

(The following is by a woman who is perhaps Taiwan's leading advocate of human rights. Provincial Assemblywoman Su Hung Yueh-chiao knows only too well the meaning of political oppression, as her husband, Su Tung-chi, spent many years in prison as a political offender. These remarks were written as a preface to a book by Shih Ming-teh, who is also a former political prisoner. The government banned the book.)

History illustrates that it is characteristic of those in power to violate human rights, and that those who struggle for human rights come from the lower echelons of the population. The flower of freedom has always been cultivated by the fresh blood of countless martyrs and the skulls of tyrants.

What are human rights?

Their aim is to endow people with freedom of speech, press, assembly, and association; to protect people's right to live, work, and own property and to free people of terror, illegal arrest, and torture.

Are these not violations of human rights:

An economic system which prevents farmers, after being exposed to the scorching sun, drenching rain, and howling wind all year around, from earning a fair living?

An economic system under which factory workers are suppressed by domestic and foreign capitalists?

The denial of an adequate vacation?

The denial to the sick of affordable medication?

The denial to the handicapped of relief?

People having to breathe filthy air and drink dirty water?

People trembling with fear at the rampant brutality of police and security agents?

The manipulation of representative bodies by a small minority?

The enforcement of bad laws rather than repealing or revising them?

Turning the media into bullhorns of the privileged clique?

It is the worn-out notion of the estab-

..... (Cont'd page 21)

No one nation salts the sea; but we

Have faith that come it will--that Day--
When these our dreams no longer dreams shall be,

And every nation on the earth shall say
"Above all nations is humanity."

--From a sonnet by Hu Shih.
J. Grieder, Hu Shih and the Chinese Renaissance (1970)

UNIVERSAL DECLARATION OF HUMAN RIGHTS, CHINESE TEXT

世界人權宣言

主後一九四八年

十二月十日

This is the official Chinese version of the Declaration, which we have taken from the Taiwan Church News, 3D.

The English text will be found below, at centerfold.

代表參加其本國政府。(二)人人有以平等機會參加其本國公務之權。(三)人民意志應為政府權力之基礎；人民意志應以定期且真實之選舉表現之，其選舉權必須普及而平等，並當以不記名投票或相等之自由投票程序為之。

第二十二條／人既為社會之一員，自有權享受社會保障，並有權享受個人尊嚴及人格自由發展所必須之經濟、社會及文化各種權利之實現；此種實現之促成端賴國家措施與國際合作並當依各國之機構與資源力量為之。

第二十三條／(一)人人有權工作，自由選擇職業，享受公平優裕之工作條件及失業之保障。(二)人人不容任何區別，有同工同酬之權利。(三)人工作時，有權享受公平優裕之報酬，務使其本人及其家屬之生活足以維持人類尊嚴，必要時且應有他種社會保護辦法，以資補益。(四)人人有維護其權益，有組織及參加工會之權。

第二十四條／人人有休息及閒暇之權，包括工作時間受合理限制及定期有給休假期之權。

第二十五條／(一)人人有權享受其本人及其家屬康樂所需之生活程度，舉凡衣、食、住、醫藥及必要之社會服務均包括在內；且於失業、患病、殘廢、寡居、衰老、或因不可抗力之事故致有他種喪失生活能力之情形時，有權享受保障。(二)母親與兒童應受特別照顧及協助。所有兒童，無論婚生或非婚生，均應享受同等社會保護。

第二十六條／(一)人人皆有受教育之權。教育應屬免費，至少初級及基本教育應然，初級教育應屬強迫性質。技術與職業教育應廣為設立。高等教育應予人人平等機會，以成績為準。(二)教育之目標在於充分發展人格，加強對人權及基本自由之尊重。教育應促進各國、各種族或宗教間之諒解、容忍及友好關係，並應促進聯合國維繫和平之各種工作。(三)父母對其子女所應受之教育，有優先選擇之權。

第二十七條／(一)人人有權自由參加社會之文化生活，欣賞藝術，並共同享受科學進步及其利益。(二)人人對其本人之任何科學、文學或美術作品所獲得之精神與物質利益，有享受保護之權。

第二十八條／人人有權享受本宣言所載權利與自由可得全部實現之社會及國際秩序。

第二十九條／(一)人人對於社會負有義務；個人人格之自由充分發展應為社會之賴。(二)人人於行使其權利及自由時應受法律所定之限制，且此種限制之唯一目的應在確認及尊重他人之權利與自由並謀符合民主社會中道德、公共秩序及一般福利所需之公允條件。(三)此等權利與自由之行使，無論在任何情形下，均不得違反聯合國之宗旨及原則。

第三十條／本宣言所載，不得解釋為任何國家、團體或個人有權以任何活動或任何行為破壞本宣言內之任何權利與自由。

防止違反本宣言之任何歧視及煽動此種歧視之任何行為。

第八條／人人於其憲法或法律所賦予之基本權利被侵害時，有權享受國家管轄法庭之有效救濟。

第九條／任何人不容加以無理逮捕、拘禁或放逐。

第十條／人人於其權利與義務受判定時及被判事控告時，有權享受獨立無私法庭之絕對平等不偏且公開之審理。

第十一條／(一)凡受刑事控告者，在未經依法公開審判證實有罪前，應視為無罪，審判時並應予以審判上所需之一切保障。(二)任何人在刑事上之行為或不行為，於其發生時依國家或國際法律均不構成犯罪者，應不為罪。刑罪不得重於犯罪時法律之規定。

第十二條／任何人之私人生活、家庭、住所或通訊不容無理侵犯，其榮譽及信用亦不容侵害。人人為防止此種侵犯或侵害有權受法律保護。

第十三條／(一)人人在一國境內有自由遷徙及擇居之權。(二)人人有權離去任何國家，連其本國在內，並有權返回其本國。

第十四條／(一)人人為逃避迫害有權在他國尋求並享受庇身之所。(二)控訴之確據於非政治性之犯罪或源於違反聯合國宗旨與原則之行為者，不得享受此種權利。

第十五條／(一)人人有權享有國籍。(二)任何人之國籍不容無理剝奪，其更改國籍之權利不容否認。

第十六條／(一)成年男女，不受種族、國籍或宗教之任何限制，有權結婚及成立家庭。男女在婚姻方面，在結婚期間及在解除婚約時，具有平等權利。(二)婚約之締訂應能以男女雙方之自由完全承諾為之。(三)家庭為社會之當然基本團體單位，並應受社會及國家之保護。

第十七條／(一)人人有權單獨占有或與他人合有財產。(二)任何人之財產不容無理剝奪。

第十八條／人人有思想、良心與宗教自由之權；此項權利包括其改變宗教或信仰之自由，及其單獨或集體、公開或私以教義、躬行、禮拜及戒律表示其宗教或信仰之自由。

第十九條／人人有主張及發表之權；此項權利包括保持主張而不受干涉之自由，及經由任何方法不分國界以尋求、接收並傳播消息意見之自由。

第二十條／(一)人人有和平集會結社自由之權。(二)任何人不容強迫隸屬於某一團體。

第二十一條／(一)人人有權直接或以自由選擇之

世界人權宣言是人類數十年來用無數人的血淚換來的寶貴，中華民國身為簽署國之一，是值得驕傲的。而中共暴政摧殘人權，更是我們所不齒，且應竭力加以抗議的。基督徒深信人類是按照上帝的形象創造，且為上帝所賜福的（創世記一：27-28），所以人人分享了上帝的事業與莊嚴，更應積極高舉人權聖章，呼籲世界各國實現上帝國的理想。

主後一九四八年十二月十日聯合國大會通過並公佈世界人權宣言，全文載列於後。經此歷史之盛舉後，大會促請所有會員國將宣言全文加以宣揚，並以學校及其他教育機關為主要對象，促使廣為流傳。展示。閱讀及闡述，不因各國或各領土之政治地位之不同，而有所區別。

弁言

茲鑒於人類一家，對於人人固有尊嚴及其平等不移權利之承認確係世界自由、正義與和平之基礎；

復鑒於人權之忽視及侮蔑恒釀成野蠻暴行，致使人心震憤，而自由言論、自由信仰、得免憂懼、得免貧困之世界業經宣示為一般人民之最高企望；

復鑒於為使人類不致迫不得已鋌而走險以抗專橫與壓迫，人權須受法律規定之保障；

復鑒於國際友好關係之促進，實屬切要；

復鑒於聯合國人民已在憲章中重申對於基本人權、人格尊嚴與價值、以及男女平等權利之信念，並決心促成大自由中之社會進步及較善之民生；

復鑒於各會員國業經願與聯合國同心協力促進人權及基本自由之普遍尊重與遵行；

復鑒於此種權利自由之共同認識對於是項意願之徹底實現至關重大；

大會鑒於此

頒佈世界人權宣言，作為所有人民所有國家共同努力之標的，務望個人及社會團體永以本宣言銘諸座右，力求精訓導與教育激勵人權與自由之尊重，並藉國家與國際之漸進措施促使其普遍有效之承認與遵行；會員國本身人民及所轄領土人民均各永享成道。

第一條／人皆生而自由；在尊嚴及權利上均皆平等。人各賦有理性良知，誠懇和睦相處，情同手足。

第二條／人人皆得享受本宣言所載之一切權利與自由，不分種族、膚色、性別、語言、宗教、政治見解或他種主張、國籍或門第、財產、出生或他種身分。

且不得因一人所屬國家或地區之政治、行政或國際地位之不同而有所區別，無論該地區係獨立、託管、非自治或受有其他主權上之限制。

第三條／人人有權享有生命、自由與人身安全。

第四條／任何人不容使為奴役；奴隸制度及奴隸販賣，不論出於何種方式，悉應予以禁止。

第五條／任何人不容加以酷刑，或施以殘忍不人道或侮辱之待遇或處罰。

第六條／人人於任何所有被承認為法律上主權之權利。

第七條／人人在法律上悉屬平等，且應一體享受法律之平等保護。人人有權享受平等保護，以

NATIONALISTS ARREST TAIWANESE LEADER

The Chinese Nationalists arrested a leading Taiwanese opposition figure and his son on January 21. Yu Teng-fa, elder statesman of the island's non-Party political circles and an important political leader in the southern part of Taiwan, was arrested at his suburban Kaohsiung cottage where he raised fish.

Mr. Yu is seventy-six years old, and is a former magistrate of Kaohsiung County. He has been the chairperson of an informal grouping of opposition figures, many of whom ran in the scheduled election last year hoping to fill Taiwan's few seats in the Republic of China government. The election, which was to have been held on December 23, was cancelled a few days before it was to have been held. The ostensible reason for the cancellation was the crisis growing out of the normalization of diplomatic relations between the United States and the People's Republic of China, and the breaking of relations between Washington and Taipei. However, informed observers considered the "crisis" to have been largely manufactured by the Nationalist government. The much publicized anti-American riots were in fact government sponsored. (Martial law prevails in Taiwan, and unauthorized demonstrations are prohibited.)

There is some uncertainty about the reasons for the Yus' arrests. As is frequently the case in such political cases, both men were charged with "sedition." It was also claimed that they had conspired to disrupt the election, but this appears highly unlikely considering the good showing that the independents were expected to make in terms of popular vote. Taiwan sources have speculated that this is all simply an attempt to intimidate the opposition, which appeared stronger than ever in view of its recent organization efforts, and the widespread belief that the government was handling foreign relations poorly.

Yu Teng-fa was arrested on orders from the Taiwan Garrison Command, which under martial law has authority to take any action it deems desirable to deal with political dissent. The organ actually carrying out the arrest was the Bureau of Investigation. The Bureau's plain clothesmen first appeared at the Yu house the night before, saying that they wished to purchase some fish. They were told that it was too late, and were denied entry. At 5:00 the next morning, January 21, twenty agents gained entry through a secondary entrance to the property. This time they were equipped to break into the house.

Immediately after the arrest, it was announced that the Yus' trial would be held in two days. Meantime, the two were held incommunicado, with no opportunity to prepare a legal defense. However, for reasons unknown, the trial was not held, and Yu Teng-fa remains in prison and out of touch with his friends and relatives.

Not allowed to form a political party, the non-partisan democrats comprised an informal group--ing known as the Non-Party Personages, with former political prisoner Shih Ming-teh as their secretary-general. They had scheduled a convention to be held in Kaohsiung on February 1. In the days before Mr. Yu's arrest, Mr. Shih had worked with Yu to organize the meeting. Yu was to be the official host. It was expected that the meeting would draw independent political figures from all over the island. On January 29, a group of prominent opposition leaders was scheduled to fan out over the island to invite local opposition leaders to attend the meeting, or at least to lend their support to the political program which the Non-Party Personages had issued on December 25. This statement was to be published over the signatures of all the prominent figures who would support it. Already, some sixty signatures had been gathered. Because of Yu's arrest, all plans had to be cancelled.

In spite of the government's near-total
(Cont'd page 22)

FEAR

"Adjust not your hat under a plum tree,
Nor tie your shoes in a melon field,
If you wish to avoid suspicion."

--Chinese proverb

IRONIC TWIST

Over the years, human rights activists have had many differences with Mr. Loh I-cheng, who served for many years as the Chinese Nationalists' New York spokesperson. Although Mr. Loh listened patiently to our complaints about the Taipei government's human rights violations, he always staunchly defended the Republic of China, and urged us to turn our attention to its Communist adversaries.

A few weeks after the United States transferred recognition to the Peking government, Loh I-cheng was expelled from the U.S. The apparent reasons are indicated in this letter which SPEAHR sent to President Carter.

（本報十二日訊）東亞人權協會主席馬晉九日前致函卡特總統，指責卡特政府驅逐台灣的「中國新聞處」主任陸以正離美「違反了人權」。

陸以正在中美建交後，先後在紐約時報、每日新聞和華盛頓星報撰文攻擊卡特政府，被白宮指斥違反一般外交慣例，在月底被逐出境。

司馬晉說，根據非官方的消息來源，陸氏是在中華人民共和國代表的要求下被迫離美，如果屬實，美國的憲法自由已遭外國勢力損壞。

司馬晉要求卡特公開表明將來不會對在美行使自由發表意見權的外國人，採取報復行動。

15F

SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS
BOX 122 NEW YORK 10025

February 9, 1979

President Jimmy Carter
The White House
Washington, D.C.

Dear President Carter:

On behalf of the Society for the Protection of East Asians' Human Rights, I am writing to protest the violation of the rights of Loh I-cheng by the United States government.

According to press reports, Mr. Loh, who had been director of the Free China Information Service, was expelled from this country in late January because of his public criticism of United States foreign policy. The ostensible rationale for his expulsion was that he had violated a "general diplomatic practice" to refrain from such criticism. However, it is evident to us that if the United States government applied this asserted principle uniformly, the number of foreign diplomats in this country would be greatly reduced.

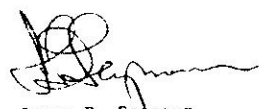
We have learned from unofficial sources that Mr. Loh was actually expelled because of demands by a representative of the People's Republic of China. If this is the case, then as Americans we are extremely disturbed by this undermining of our constitutional liberties by a foreign power. It seems to us that you may not have been very faithful to your constitutional obligations in this matter.

In 1977, when I testified before the House Subcommittee on International Organizations criticizing the human rights record of the Republic of China (Taiwan), I pointed out that when Chinese Nationalist agents intimidate Taiwanese students here, not only are the Taiwanese students' rights violated, but American students are also deprived of their right to free intellectual exchange with foreign students. Somewhat the same situation obtains in this instance. It is not simply a matter of Mr. Loh's rights. What are just as important are the rights of the readers of the New York Times, the New York Daily News, and the Washington Star, in which his letters had appeared. Will other foreign nationals be afraid to write letters-to-the-editor for fear that doing so might lead to expulsion?

We ask you to state publicly that in the future there will be no reprisals against foreigners who exercise their right of free expression while visiting this country.

SPEAHR is a non-partisan international organization which seeks to encourage respect for human rights in such areas as China, Korea and Taiwan, and to publicize the state of human rights there. The Society emphasizes the rights proclaimed in Articles 2, 3, 5, 8, 13, 14, 19, 20 and 23(4) of the United Nations' Universal Declaration of Human Rights, but takes no positions favoring or disfavoring the individuals or governments involved, nor concerning the legitimacy of geo-political boundaries.

Respectfully yours,


James D. Seymour
Chairperson

保障東亞人人權協會 會長司馬晉致函卡特 抗議侵犯陸以正權利

【本報紐約訊】國際組織「保障東亞人人權協會」會長司馬晉（James D. Seymour）九日致函卡特總統，抗議美國政府侵犯自由中國新聞社主任陸以正的應享權利，原函譯文如下：

卡特總統閣下：

本人代表保障東亞人人權協會寫信抗議美國政府侵犯陸以正的權利。

根據新聞報導，曾任自由中國新聞社主任的陸以正，因為公開

「外交慣例」。不過，我們覺得很顯然，假使美國政府普遍應用這項宣稱的原則，在美國的外國外交官數量一定會大大減少。

我們從非官方人士獲悉，陸氏被驅逐實際上是因為中華人民共和國一名代表的要求。如果事實如此，那末我們這些美國人要為我們憲法自由被一個外國強權破壞的這件事感到極端不安。我們覺得閣下在這件事上或許並未十分忠於憲法義務。

一九七七年，當我在眾院國際組織小組委員會作證時，我曾批評中華民國（台灣）的人權紀錄，當時我指出，中華民國安全人員恫嚇在美國的台灣學生，不僅侵犯了台灣學生的權利，也剝奪了美國學生與外國學生自由交換知識的權利。現在這件事也多少有同樣的情形。這不僅是陸氏權利的時候。同樣重要的是紐約時報、紐約每日新聞和華盛頓郵報讀者的權利，他的投書就刊登在這些報紙上。其他的外國人會不會怕寫讀者投書，深恐因此而招致驅逐呢？

本人促請閣下公開聲明，今後對客居美國期間行使其自由發表權利的外國人士將不再有類似報復事件。

會長司馬晉謹啓
15F

Our appeal concerning what we considered to be a violation of Loh I-cheng's rights was noted not only in such right-wing papers as World Journal (below), but also in the more leftist North American Daily (above).

CROSSREFERENCE

This section of SPEAHRhead contains summary information drawn primarily from Western-language sources. Future issues will include information from Asian-language sources. See page 27 for abbreviations. Universal Declaration of Human Rights article number [] does not automatically denote human rights violation.

PEOPLE'S REPUBLIC OF CHINA

ARRESTS, POLITICAL [09. 19]

A dozen former Red Guard leaders reported arrested, according to a "reliable source" quoted by AFP. Included were Kuai Ta-fu of Qinghua University in Peking, Nieh Yuan-tzu of Peking University, and Tan Hou-lan, a former radical leader of Peking's teacher training college. The arrests followed a criticism campaign. The three are said to have harassed high officials early in the Cultural Revolution. The three served as members of Peking's revolutionary committee. London Times 27A78

Human rights activist Fu Yuehua was arrested in Peking 18I after participating in a discussion on democracy. Mrs. Fu had also participated in a demonstration protesting living conditions. As of 25I friends reportedly had no word from or about her. (Little information is available on the background of Mrs. Fu, who is reported to be a worker.)

Kyodo Tokyo 26I°; AFP BJ24°25I

BOURGEOISIE, "NATIONAL" [17]

Capitalists' property to be returned. CP United Front Work Director Ulanhu in a speech to businessmen, acknowledged that many of them had been the victims of "false charges, wrong sentences, and frame-ups." Now their bank deposits and other property are to be returned, and high salaries to be restored retroactively. "This fully shows that the

Party's policies are consistent, and that the Party means what it says."

BJ25°29I (See also NY Times 26I)

CAPITAL PUNISHMENT (GENERAL) [03]

Jiangxi military leader Hsin Chun-chieh's remarks on the death penalty were carried by Far Eastern Economic Review 1J77. Execution was prescribed for "a handful of the most vicious enemies without killing whom the people's wrath could not be soothed" (old Maoist formula). Only by killing such people "can we defend Chairman Hua and the Party centre, the fruits of the Cultural Revolution, the smooth progress of the struggle to expose and criticize the gang of four, the people's interests and the socialist system."

AFP, citing poster, says Sun Chin-chi was beaten to death apparently after unsuccessfully trying to escape from a reeducation camp near Peking. Termed a "suicide" by police. HK30D°3I

CAPITAL PUNISHMENT (COMMON-LAW CRIME)

Canton posters announce that ration card forgers will be executed.

Washington Post 1J77

Four former Red Guards executed after being convicted of raping, torturing and killing their political opponents. The trial was held on January 17. According to the Associated Press, the four had "enforced Maoist ideological purity" during the Cultural Revolution."

BJ1F°NY Times 9F

CAPITAL PUNISHMENT (POLITICAL) [02,03]

AFP reported that a political dissident was executed in Canton during February 1978 because he had spread "reactionary propaganda" abroad. The execution had been announced in posters dated 18F78, signed by the Kwangtung Provincial Supreme Court. The poster said that the accused, Ho Chun-shu, had gone before a firing squad immediately after his conviction.

Hu had been charged with editing and printing a "counterrevolutionary" brochure, and distributing the same both locally and abroad. The brochure, 200,000 characters in length, reportedly had been sent to the United States and the Soviet Union, and to various foreign embassies and consulates in Peking, as well as to "reactionary newspapers" in Hong Kong. He "did not admit his crimes," thus "stirring up the anger of the people."

HK4°10M

[Classification uncertain] Eight "ring leaders" of Hangzhou "counterrevolutionary groups" executed. Altogether 32 people were charged with "armed" extortion and spreading political propaganda aimed at "undermining the socialist system."

Asiaweek 10M78

DEMONSTRATIONS [19, 20]

More than three hundred people who were arrested in the April 1976 demonstrations in Peking have been "fully rehabilitated" and "exonerated as revolutionaries." According to unconfirmed reports more than a thousand people were arrested at the time. The fate of the other 700 is uncertain; many of them may have been quietly released earlier. Amnesty International Newsletter I

Ten thousand in Peking demand democracy. One young man in the crowd said "you are witnessing the greatest thing to happen in China."

NY Times 29N

Deng Xiaoping was quoted in the press in late 1978 as having made various statements regarding demonstrations. To foreigners he said, "We have no right to deny people this [right to put up posters] or to criticize the masses for making use of democracy. If the masses feel some anger, let them express it. NY Times 29N. But in a secret document circulated among various units in Peking the vice premier said that

"the masses must be guided," and should not hold unbridled demonstrations. He noted that the appearance of stability was necessary if China was to attract foreign investment. HKD1°.

Several thousand marched around Peking's Tian An Men Square on January 8 demanding human rights and democracy. They reportedly came from all of China's 29 provincial-level units. Their banners read: "We don't want hunger;" "We don't want to suffer any more;" "We want human rights and democracy."

NY Times 9I

Thirty-four to thirty-eight thousand peasants said to have come to Peking to protest living conditions. BJ27°29I. Coming from all over China, the demonstrators were staying in makeshift shelters, with the temperatures dipping to -20°C. Eight demonstrators reportedly died from "cold and hunger." Some of the demonstrators were demonstrating for a reversal of verdicts, without which they could not find employment. According to AFP's Georges Biannic, some of the people "were straight out of a Goya painting—sick, on crutches, dressed in rags and tatters, and wretchedly poverty-stricken."

BJ24°25I

People's Daily 12F carried a front-page warning to demonstrators. People told to "bear in mind the country's over-all interests and work wholeheartedly for modernization." The law would be invoked to punish "those who deliberately create trouble that has serious consequences." "It is entirely wrong for a very small number of people in a few places to take advantage of democracy and instigate disturbances, repeating what took place in the Cultural Revolution, with the storming of government offices and the obstruction of traffic."

NY Times 13F

HELSINKI AND CHARTER 77

"Regardless of whether Charter 77 and the Helsinki accords are good or bad, they ought to be made public so that the people can judge for themselves."

Xi'an poster, Index I78

ESPIONAGE

Huang Wu-han, who had voluntarily returned to China in 1953 from abroad where he had studied electrical engineering, later came under suspicion as a "foreign agent." He died as a result of mistreatment during interrogation, according to Xinhua. NY Times 25F78

340 persons accused of spying for the U.S. and Chinese Nationalists cleared. All had been tried and convicted, apparently in Fujian Province. LB&JWYZ blamed. Many suspects had been tortured, some died. FJ6D° NY Times 7D

ETHNIC MINORITIES (TIBET) [02]

The S Worldview carried an article by Dawa Norbu, a Tibetan who had emigrated in 1959. Human rights abuses charged. "All officials and high lamas" were asked "to attend a political education (lobjong) program. It seems no one suspected the Communist meaning of 'reeducation.' ... So officials and high lamas went to prison as if to school."

Twenty-four leading former Tibetan leaders have been released from prison. This was the fourth such group to be released since 1963. Peking Review 24N

One of those released was Chagyari Namgyal Gyagso, who had been a dzasak (official of the third rank), and a hereditary prince whose title traced back to the thirteenth century. In the 1950s he had been an advocate of Tibetan independence. He was arrested in 1959, and served a 19-year prison sentence near Lhasa. Peking Review 1D

In Dharmasala, India, the Dalai Lama indicated that he welcomed the release of the above-mentioned prisoners. But his aide stated that the number of people arrested in 1959 ran into the thousands. "Apparently the release affects a few of those who have spent the last 20 years in prison. NY Times 17N

The PRC has indicated that exiled Tibetans are welcome to return home. [13] (Some 100,000 escaped from Tibet c. 1959.) The Dalai Lama expressed skepticism, noting that the liberalization

ILA MANILA CONFERENCE

At the annual conference of the International Law Association, held in Manila last September, the subject of greatest contention was human rights. The conference rejected as "unfounded in international law" the notion that human rights is a solely domestic concern. However, the 50-member Human Rights Committee said: "International standards concerning human rights are alien to African reality [and] given a similar colonial past, the views held by developing countries in Asia could be said to approximate those held by African states."

The committee cited the "selective morality" of those who criticize Chile, South Africa and Israel but remain silent about other parts of the world. There was also a suggestion that the Universal Declaration of Human Rights should be "re-formulated" in view of changes in the world since 1948.

—Based on Asiaweek, Sept. 22.

in China Proper had not spread to Tibet. Far Eastern Economic Review 2F

Amnesty International welcomed the releases of prisoners, but expressed concern about those not released. Believed still in prison, for example, is Chamba Lobsang, a monk who was sentenced to life imprisonment in 1960 for "exploiting the masses in the name of religion." AI Newsletter 1

S Worldview article by Tinley Nyandak Akar of the Office of Tibet (NY) protests US policy of denying the Tibetan nationality of his compatriots in issuing passports.[15]

LABOR (CORRECTIVE)

Reuters reports that 50,000 students in Yunnan Province were striking over the issue of "forced labor." Twenty-eight went to Peking to protest. London 27°28D

JOIN SPEAHR! SEE INSIDE LAST PAGE.

FOREIGNERS, CONTACT WITH [19]

The Far Eastern Economic Review 23D77 reported that a Chinese had been permitted to marry a foreigner.

Asiaweek 20I78 quoted Central Committee member and Japan specialist Liao Chengzhi as urging more open relations with Overseas Chinese. "The correspondence and exchanges of visits between people at home and their relatives and friends abroad represent a normal relationship and, for that matter, a very desirable one." This would not only promote international friendship, but would also encourage cultural, scientific and technical change, and even serve the cause of liberating Taiwan. Liao called for an end to practices (blamed on JWYZ) of fabricating charges against those with overseas connections, and discriminating against returned Overseas Chinese. He called for simplified procedures to facilitate travel in both directions.

In a poster, air force cadre Liu Chia-shan denied having "entered a foreign embassy" to avoid arrest. The reference was apparently to a 1968 incident when followers of President Liu Shaoqi, of which Liu Chia-shan may have been one, were being arrested by leftists. HK2°5S

Onlookers tell foreign reporters covering pro-democracy posters to "tell it the way it is." NY Times 26N

NEW YORK TIMES EDITORIAL

"Relations [between the United States and China] cannot blossom fully as long as diplomats, journalists and visitors to China continue to be limited to superficial contact. We look forward to the day when foreigners, including representatives of Amnesty [International], will be allowed to see for themselves how the cries for political rights are being answered."3D

In response to peasant demonstrations in Peking, some young people were quoted by AFP as saying that grievances should not

be aired to foreigners, who "cannot understand." HK21°22I

Peking's deputy mayor, Wang Xiao, charged that dissidents were trying to obtain printing equipment, paper, and other supplies from foreign embassies, and were providing foreigners with "internal affairs" information. HK23°24I

A Peking poster declared that foreign journalists who report on the human rights movement have ulterior motives, and express "the interests of the bourgeoisie." 27°29I

US ON PRC RIGHTS

After Amnesty International issued its report on the human rights situation in the People's Republic of China, an unnamed spokesperson for the U.S. State Department commented that there had been a positive development in China's Human Rights situation, and expressed the hope that the trend would continue. Asked about AI's charges that political arrests were continuing, the spokesperson declined comment.

Based on NY Times, 29N

HUMAN RIGHTS ORGANIZATIONS

A Peking University official reported that more than 50 groups belonging to the democratic movement have notified the government of their existence. Of these, three or four plan to publish. HK26°27D

A "Society of Enlightenment" was founded in Gueizhou Province last fall. Its purpose is to promote "democracy" and "human rights." HK21°22I

(See also, story, page 1)

YOUR COMMENTS WELCOME

The next issue of SPEAHRhead will contain a Letters-to-the-Editor section.

HUNGER [25]

Peasants participating in a 14I demonstration in Peking shouted "We're tired of being hungry!" According to AFP, one peasant from Jiangsu complained: "We do not have enough to eat. The influence of the Gang of Four has not been eliminated, and there are still people who oppress us. We only have one pound of rice per person per day, not enough vegetables, and sometimes a little pork." Although Jiangsu is one of China's most fertile provinces, the peasant said: "There are far too many of us on too little land." NY Times 15I79

See also, editorial, page 21.

LABOR RELATIONS [23]

AFP reported that several dozen Shanghai workers demonstrated on 29D over the issues of wages and hours. One woman was shot by police. Paris 31D°2I

Former worker Wang Quyun was imprisoned for criticizing his factory Party committee, and then xiafanged. Wang has not yet been exonerated BJ24°25I

MARRIAGE [16]

MOBILITY [13]

"Let people live where they want; end long separations of husbands and wives."

Kunming poster, Index 178

NEWSPAPER AVAILABILITY [19]

(With the exception of a few centrally-published newspapers, Chinese periodicals have not generally been available to foreigners. Even when visiting China, as late as the summer of 1978 it was virtually impossible for a foreigner to obtain a local newspaper. This situation is now changing.)

AFP reports Peking Daily now available to foreigners. HK3°4I

OFFICIAL HUMAN RIGHTS STATEMENTS

(The official PRC media rarely discusses "human rights" per se. Thus, when a person is politically rehabilitated,

WE NEED CLIPPINGS

Readers can assist SPEAHR by sending us news clippings (or "cuttings," for those who speak the Queen's English) from newspapers other than the New York Times, relevant to any aspect of human rights in East Asia. Send to Box 1212, New York 10025

the reason is usually something other than the fact that his or her human rights had been violated. In this space we will present exceptions.)

"A broadcast from Nanking on the case of the tax collector said officials had violated his rights by holding him incommunicado and then fabricating evidence against him. It is unusual for China to refer to human rights in this sense." NY Times 1M78

POSTERS

[The Li-Yi-Zhe poster is world-famous not because it was unique, but because it appeared near Hong Kong and thus became known to the outside world. The F23 Asiaweek contains an article by former Peking student Liu Shihua describing a similar affair roughly contemporaneous with Li-Yi-Zhe (on latter see p.1).]

"A young worker from a Nanking Pharmaceutical Factory named Hsu Shui-liang put up a series of posters criticizing the bureaucratic elite and the system of privileges in the social structure. Within hours, the Nanking Party committee had the posters removed and ordered the factory Party authorities to restrict his movements. Several months later, Hsu was arrested for allegedly assaulting a fellow worker. He remains in detention to this day... Last month, posters sprouted in Nanking protesting the 'persecution' of Hsu Shui-liang. Rather than address directly the implications of Hsu's criticisms, they were careful to focus on the arbitrary procedures used to stifle his freedom of speech."

When a Peking taxi driver told his foreign passenger that he was dissatisfied with his living conditions, he was asked why he did not write a wall poster. His reply: "I wouldn't dare." Paris 27°28D

SPEAHR'S FINANCES

SPEAHR receives no funds from any government, political group, corporation, or foundation. The Society depends entirely upon private contributions. Write us for a financial statement. (Please send stamped, addressed envelope.)

PROPERTY [17]

Citizen's rights to be restored to former landlords and wealthier villagers, according to People's Daily 29I. The paper editorialized that this was "a big event in the nation's political life," and "another important policy decision of our Party." Such people "have undergone remodeling through manual labor for two or three decades, and the great majority of them have become laboring people who earn their own living." However, the paper warned that "an extremely small number of landlords [might] cling to their reactionary stand and resist being remolded." Thus, the public should not relax their guard. NY Times 30I

(See also "Bourgeoisie, National.")

RELIGION

Amnesty International announced that the organization believed that former Roman Catholic Bishop Kung Ping-mei is still under detention. Kung was arrested in 1955 and sentenced to life imprisonment in 1960. He was said to have led a "counterrevolutionary clique." Since then he has not been allowed to see his family. He is over 70. AI Newsletter I

Worldview A78 carried an article by M. and I. London describing how "the church lives cautiously, but intensely, underground" (i.e. Catholic and Protestant).

Some Christian churches reopening. Numerous well-known senior Christian personages reappearing. NY Times 10M78

Diplomat from a Southeast Asian Buddhist country allowed to visit a Buddhist

pagoda in Peking, and was received by the abbot. It was the first time in many years that it had been possible to arrange such a visit. NY Times 10M78

Islam reported to be "still a living force" in the Xinjiang Uigur Autonomous Region (Chinese Turkestan). The capital, Urumchi, has 22 mosques. Many attend prayer sessions, some as young as fifteen, according to AFP. 12°13o

Muslim festival well covered by the CPR media. 1000 said to attend mosque services in Peking. 160,000 Muslims said to live in Peking. 11°14N

RIGHTISTS

In the wake of the 1957 Hundred Flowers affair some 400,000 people were imprisoned or otherwise punished as "rightists." In June there were various foreign press accounts to the effect that the last 100,000+ of these who were still deemed "rightists" were now being rehabilitated (NY Times 5J, Asiaweek 16J). This was confirmed by People's Daily 15N. Peking Review 24N also contained an account, claiming that Mao and Zhou had instructed that this be done in 1975, but their orders had been countermanded by JWYZ.

SCHOLARS, SCIENTISTS

Historian Chien Po-tsan (a Uigur) is reported to have been tortured and killed by Red Guards in 1969 at the age of 71. Chien had studied in California in the 1920s, and had written widely on political economy and philosophy as well as history. The grim circumstances of his death have been described in an 11-page poster in Peking. His persecutors are now reported under arrest. HK28A°

The government has acknowledged that "hundreds" of members of the Academy of Sciences in Shanghai were falsely accused of being agents of the Chinese Nationalists. They were detained, tortured, and deprived of property. Their families are still being discriminated against. NY Times 1M78

SEXUAL ORIENTATION

Eastern Horizon and China and Us have both carried an article by Robert Friend

claiming that homosexuality is not a "problem" in China. But the No.19 issue of RFD was sharply critical of the Friend piece, and alleged that gays are oppressed in the PRC.

SOCIAL ORIGIN [02]

56 progeny of top officials, mostly teenagers, are reported to have been persecuted and imprisoned, including the son of Ho Lung. They have now been rehabilitated.

13°14S

TRIALS

Former Red Guards tried for murder and other crimes allegedly committed 1966-67.

5m78°

Five famous Red Guard leaders have been sentenced to some form of punishment, possibly execution. They are Nieh Yuan-tze, Kuai Ta-ru, Han Ai-ching, Tan Hou-lan, and Wang Ta-pin.

16N°

TRIALS DENIED [10]

AFP quotes Chinese jurists to the effect that no trial will be held for JWYZ. HK6°8I

UNDERGROUND MEDIA

Mimeographed underground bulletins, comparable to Soviet samizdat, have been circulating in China. One denounced the "uniformity" of the official press. Although the need for stability and unity was acknowledged, "stability and unity are not stagnant waters and do not mean that the people may not express themselves."

HK22°26D

Another document being circulated among students and signed "Red 92" is even more hostile to the Communist system. It is believed by some to be of Chinese Nationalist origin.

Far Eastern Economic Review 11F77

U S IMPACT

A speech by President Jimmy Carter has been circulated among high officials, and was obtained by the Human Rights Group. Their poster asked Carter "to pay attention

SPEAHR PROTESTS TO SRV

On July 7 SPEAHR sent a letter to the authorities of the Socialist Republic of Vietnam to protest recent treatment of Vietnam's ethnic Chinese. The statement recognized the right of any government "to carry out social and economic policies which may fall especially hard on a particular group if that group previously enjoyed high economic status," but urged that any reforms be carried out "in such a way as to heal rather than exacerbate racial tensions." SPEAHR said that it did not wish to single out any side for blame, given "the extremely complex international situation," and urged "all concerned" to put humanitarian considerations at the forefront.

to human rights in China.... The Chinese people do not want to repeat the tragic life of the Soviet people in the Gulag archipelago." HK8°11D. Nearby were reply posters, some hostile. And one bystander, shaking with rage, said, "this sort of thing should not be put up. It is not Chinese."

HK10°11D

WOMEN (02)

The NY Times carried an article 11M78 on the wives of Chinese political figures, and how the wives' political fortunes tend to parallel those of their husbands.

PROPAGANDA

According to a Peking poster, the techniques of modern propaganda are "more fearful than those of feudal society." The writer also extolled the virtues of Prometheus, the "god of light," for stealing fire [knowledge] from heaven and giving it to humans for their enlightenment. (Based on N.Y. Times 26N)

OTHER COUNTRIES

JAPAN

The question of a fair, timely trial [10] arose in the case of a 26-year-old riot case stemming from a 1952 incident. The final disposition of the case did not come until September 5, when the Japanese Supreme Court upheld 80 guilty verdicts. Mainichi Daily News 6S

A struggle over property rights vs. eminent domain appears to have been settled in favor of the latter in the case of the new Tokyo International Airport affair. An unlikely alliance of farmers, radicals and Buraku had been defending property rights. Among the many media reports is one in Interflow, 17a. [17]

The same Interflow contains an account of the problems of resident Koreans, and the role of the church in this issue. C. 75 given prison sentences, and 5 sentenced to death, on charges of spying for North Korea. The article says that the evidence in these cases is dubious. [02]

Problems of women in the labor force are discussed in Asiaweek 19I. Certain laws designed to protect women have the effect of causing discrimination against them. Women complain about unequal pay for equal work. Geishas seek recognition.

The government has agreed to sign the UN International covenants concerning both economic-social-cultural rights, and civil-political rights (but apparently not the Optional Protocol). Diet ratification required. Amnesty Action o

Death penalty extended to cover aircraft hijackings and seizures of diplomatic establishments. Ibid.

Amnesty International, which opposes the death penalty in all cases, has urged the commutation of the death sentence passed on Masao Akahiro, who had been convicted of murder in 1958. Ibid.

KOREA, SOUTH (ROK) (See also page 2.)

5,000 prisoners (apparently not all political cases) were released around the beginning of the year, including opposition leader Kim Dae Jung (Far Eastern Economic Review 12I, Asiaweek 12I). On February 10 Kim was held by the government for four hours and questioned about alleged violations of the presidential prohibition of protests against the government. NY Times 11F

30-year-old prisoner Park Yong Ho, the author of the political satire "Crazy Bird," is the subject of an article in the 17a issue of Interflow (reprinted from Asahi Evening News, 9N77). The article summarizes "Crazy Bird."

The N Index carried "Fragments" by Yang Sung Woo, the first person tried under a provision of the criminal code pertaining to "defamation of the state" through literature.

The Save the Soh Brothers Society in Kyoto, Japan (645 Sarashiya-cho, Shimogyu-ko) has issued a series of pamphlets about Soh Joon-Shik and Soh Sung, who were arrested in 1971 on espionage charges and have been imprisoned ever since.

In F the U.S. State Department issued a report on human rights conditions in 115 countries. On South Korea, the report found restrictions on peaceful expression "excessive." Allegations of police brutality were found "credible." The number of prisoners held on "politically-motivated charges" was put at 180 to 220. NY Times 11F

The Review of the International Commission of Jurists J78 discussed the legal problems of opposition figures like Kim Dae Jung and Yun Po Sun.

The I Asian Rights Advocate discusses the recent releases of political prisoners, and finds the step a "weak gesture made by President Park to Impress Carter."

UNIVERSAL DECLARATION OF HUMAN RIGHTS

14

The following is an alphabetical list of the various rights specified in the UN Universal Declaration. The two-digit numbers indicate the relevant article. These numbers will be found in square brackets [] at appropriate places in various discussions of human rights elsewhere in this newsletter.

Arrest, arbitrary	09	Life	03
Assembly	20	Limitations on rights	29, 30
Association	20	Marriage	16
Asylum	14	Medical care	25
Birth, equality	02	Movement (domestic, international)	13
Children	25	Nationality	15
Cruel punishment	05	Opinion	19
Cultural rights	27	Order	28
Defence, right to legal	11	Participation, political	21
Degrading treatment	05	Political opinion and equality	02
Detention, arbitrary	09	Privacy	12
Duties	29	Property	17
Education	26	Racial equality	02
Elections	21	Religion (belief; teaching)	18
Employment	23	Remedy for human rights violation	08
Equality	07	Reputation, attacks on	12
Exile, arbitrary forced	09	Salary, fair	23
Ex post facto laws	11	Security of person	03
Expression	19	Services, public	21
Family	16	Sexual equality	02
Food; health care	25	Slavery	04
Honor, attacks on	12	Social security	22, 25
Housing	25	Suffrage	21
Information (receive/transmit)	19	Thought	18
Innocence, presumption of	11	Torture	05
Legal recognition as person	06	Trial, fair	10
Leisure	24	Unions, trade	23
Liberty	03	Unemployment security	25

On December 10, 1948, the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights. Following this historic act the Assembly called upon all Member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories."

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule

of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to

the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3. Everyone has the right to life, liberty and security of person.

Article 4. No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5. No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6. Everyone has the right to recognition everywhere as a person before the law.

Article 7. All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9. No one shall be subjected to arbitrary arrest, detention or exile.

Article 10. Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11. (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12. No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13. (1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14. (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15. (1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16. (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17. (1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20. (1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21. (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22. Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23. (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24. Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25. (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26. (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27. (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28. Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29. (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

SOVIET EAST ASIA

The 71 NY Times carried a feature report on the subject of Islam in the USSR. The religion was found to be "suspended between the resilient traditions of centuries and the modern anonymity of urban life." People are "drawn to worship by faith and habit and driven away by the state's propaganda and pressure." [18]

The 51 Beijing Review carried an account of an ethnic clash involving the Tajik people in Dushanbe. The article is sharply critical of what are seen as economic exploitation and oppressive cultural and political policies imposed by Moscow.

TAIWAN/ROC

The major crackdown in the wake of formal U.S. ties has gone largely unreported in the Western press. The most important case is that of Yu Teng-fa, on which see our story on page 4.

An allegedly related case involves Wu Tai-an, a former temple fortune-teller who the Nationalist government claims was the mastermind of a communist revolutionary organization. But, observes the normally cautious Asiaweek (9F), Wu "gave the impression of being a bungler and a nair," and he "looked more like a mouse than a Mao." Whatever the merits of the government's case, the affair was seen as a boon to the Nationalists, as it scared many independents from participating in opposition politics.

The independents were also under pressure because of the government's on-going campaign against them, in particular the waves of vilification directed against the popular Tao-yuan County magistrate Hsu Hsin-liang in the official media [12]. (Examples: China Times 25I, Lien-ho Pao 24I.) Government restrictions placed on independents such as Hsu have made it difficult to respond to the attacks. (See p. 22)

Although the media have in general been government-controlled, there have in the past been a few semi-independent publications, though they have often been closed down after a few issues. Last year the

only independent newspaper, Taiwan Daily, was taken over by elements backed by the army. (The owner was forced to sell.) In January, the last independent magazine, China Tide, was raided and closed down by police.

But there is one bright note, and it concerns the right to travel. On 11 the government announced that for the first time it would issue tourist passports. (Hitherto, one could not leave Taiwan unless one had a reason satisfactory to the government.) [13] Asiaweek 2F

* * *

FREEDOM HOUSE RATES 8 LANDS

Each year the New York-based human rights organization Freedom House evaluates all the countries of the world in terms of the degree of freedom enjoyed by their peoples. We reproduce below the FH ratings for eight East Asian countries or territories. FH places primary emphasis on civil rights and liberties. "Political rights" (PR) pertains to the type of elections held, if any. "Civil liberties" (CL) means freedom of expression. Scale is from 1 (most free) to 7 (least free). Abbreviations under "status" stand for "free," "partly free," and "not free." FH's predictions are indicated as + for positive, 0 for stable, and - for negative. For comparative purposes, we include the ratings for the United States and the Soviet Union. (As with all material which SPEAHRhead reproduces, no SPEAHR endorsement is implied.)

	PR	CL	Status	Outlook
China (Mainland)	6	6	NF	0
China (Taiwan)	5	4	PF	-
Hong Kong	3	2	PF	0
Japan	2	1	F	0
Korea (N)	7	7	NF	0
Korea (S)	5	5	PF	0
Macao	3	3	PF	0
Mongolia	7	7	NF	0
USSR	7	6	NF	0
United States	1	1	F	0

Source: Freedom at Issue, January 1979.

DOCUMENTATION

LAW IN CHINA

The January 12 issue of Beijing Review (Peking's official foreign-language weekly) contained a series of articles regarding the role of law in China. Much of the material is relevant to the subject of human rights. Below, we reprint some extracts from these articles for our readers' information.

The articles are rather frank in their acknowledgment that there have been human rights violations in the past. It is important to note, however, that some of these (especially during the early 1950s) are still seen as having been necessary. Furthermore, more recent abuses are blamed on the so-called "Gang of Four" rather than on the system. Still, for the optimist there would seem to be some grounds for hope in what follows that efforts are being made to prevent some of the more serious abuses from recurring. --Sh

Old Legal System Demolished

Pre-liberation China's legal system was a tool of a ruling minority to oppress and exploit the working people. In those days, the Chinese Communist Party led the people to demolish this system.

National liberation in 1949 swept away the old state organs and laws. In September that year, the Communist Party and the democratic parties jointly worked out a Common Programme to serve as the country's provisional constitution. With this document as the basis, a people's democratic legal system was set up following a 1952 movement to reform the judiciary.

Mass Movements

In the early years of the People's Republic, the Communist Party initiated several mass movements on a nationwide scale. Direct mass action rather than the force of law fuelled these tempestuous revolutionary movements. The aim then was to break down the old, reactionary social order, and in its place establish a new, revolutionary order. Examples are the land reform movement of 1949-51 to overthrow the landlord class, the 1950 movement to suppress counter-revolutionaries and the 1952 *san fan** and *wu fan*** movements against the bourgeoisie. These mass movements were

* *San fan* refers to the movement against the three evils — corruption, waste and bureaucracy — in Party and government organs as well as in state enterprises.

** *Wu fan* refers to the movement against the five evils — bribery of government officials, tax evasion, theft of state property, cheating on government contracts and stealing economic information — all of which were widespread at the time among private industrial and commercial enterprises.

absolutely necessary because the reactionary forces riding on the backs of the people were still very powerful when the old society was being superseded by the new....

Need to Perfect the System

Of course, China's legal system was far from perfect. In his statements in 1956 and 1957, Comrade Dong Biwu singled out two shortcomings in the system. First, the laws were inadequate. Second, they were not always observed. There must be laws which people can go by, he declared, and, moreover, laws must be observed by all without exception. For this purpose, the judicial organs and system had to be strengthened.

While mass movements in the early post-liberation years were necessary, they must not be allowed to go on and on indefinitely, Comrade Dong Biwu noted....

Judicial Organs Smashed

A serious setback was delivered to the socialist legal system by Lin Biao and the "gang of four" just as efforts were being made to improve it. The socialist legal system stood in their way to usurping Party and state power, so right at the start of the Great Cultural Revolution in 1966, they began dismantling the public security departments and the procuratorial organs and charged that the socialist legal system was "a shackle" and "a straight-jacket" holding back the mass movements. China's judicial organs were suspended.

Abusing the power they had usurped, Lin Biao and the "gang of four" began cracking down on large numbers of revolutionary cadres and people. They let loose hoodlums and thugs to smash, grab and loot, to break into and

ransack homes, illegally detain people, set up kangaroo courts and torture innocent people to extort confessions. In places and units they controlled there was no freedom of person because socialist social order was non-existent.

Feudal-Fascist Rule

In those days, declared a special commentator of the journal *Zhongguo Qingnian* (China Youth), anyone who dared show his disapproval of Lin Biao or the "gang of four" was immediately condemned and punished for committing a heinous crime. Anything that was regarded as a slight disrespect to them constituted a "counter-revolutionary crime." One Nanjing worker got five years merely because he inadvertently commented in public on Lin Biao's build. The whole thing was, of course, extremely absurd, but at least it was done with a semblance of "judicial proceedings," the special commentator added. At least, some sort of "reason" was given and it was known where the worker was imprisoned so members of his family could visit him occasionally. In many cases even a semblance of judicial proceedings was dispensed with. Personal property and personal freedom were wilfully encroached upon and safety of people's lives was not guaranteed...

Why Could Lin Biao and the "Gang of Four" Do as They Liked?

An article in the journal *Zhongguo Qingnian* by two young women Lin Chun and Li Yinhe said that it was true that Lin Biao, the "gang of four" and their followers had concentrated in their hands amazingly great power, but against the rest of the nation, they were numerically only a tiny minority. Why was it that hundreds of millions of people could not avert this catastrophe by getting rid of them early in the struggle? The march of history or its stagnation cannot be put to the endeavours of individuals. It is unconvincing and certainly not historical materialism.

History always leaves behind something instructive. We have paid dearly, but we have learnt important lessons which we did not understand before. We have come to see that as a phenomenon of history Lin Biao and the "gang of four" had deep-rooted social and political causes on Chinese soil. Yet the inadequacy of our laws, the lack of a sound legal system and the absence of efficient enforcement agencies to protect socialist democracy gave them a chance. Moreover, under the cloak of "Leftists," they freely used the name

of the Communist Party and the proletarian dictatorship to deceive many innocent people, particularly the young and inexperienced, and inveigle them into committing disastrous excesses. At first it did not occur to Party members and the people in general that they should exercise supervision over them. When they did, they could do nothing to check this power wielding minority because there were no judicial means on hand to bring them to book...

Basic Rights Must Be Guaranteed

"Freedom of speech, press, assembly, association, political conviction and religious belief and freedom of the person are the people's most important freedoms," Chairman Mao had said in 1945 in his *On Coalition Government*.

The reason why those who had spoken up against Lin Biao and the "gang of four" could be condemned as counter-revolutionaries was that the people were not in a position to safeguard their right to free speech, and also the fact that there was no law providing scientific, clear-cut stipulations as to what constitutes a counter-revolutionary crime. This applied to many other things as well. As the people could not safeguard their right of a free press, the "gang of four" were at will to monopolize and manipulate the newspapers and practically make all means of mass communication toe their line. And because the people could not safeguard their freedom of assembly, the "gang of four" could wantonly proscribe all meetings, parades and demonstrations against them on the charge that these were "counter-revolutionary." This was why they could, and did, crack down on the demonstrators in Beijing's Tian An Men Square, in Nanjing as well as in other parts of the country. As the people could not safeguard their freedom of association, the "gang of four" freely branded many mass organizations as "reactionary organizations." As the people could not safeguard their freedom of political conviction, the "gang of four" were given a free hand to imprison those who thought for themselves and upheld truth. As the people could not safeguard their freedom of the person, the "gang of four" set up kangaroo courts and slaughtered innocent people at will.

Eliminate Feudal Autocratic Ideology

... As many commentaries pointed out, in China's long history of feudal rule the landlord class had mastery of the country through setting up a centralized state. In the period from

the Opium War of 1840 through to the collapse of the Chiang Kai-shek regime in 1949, China developed into a semi-feudal and semi-colonial country, but the feudal autocratic political system and ideology continued to be the political and spiritual props of old China. The influence of feudal autocracy could be felt in almost every aspect of social life and feudal ideology permeated all social strata. In short, pre-liberation China had no democratic traditions to speak of and, in this respect, China was more backward than Russia before its October Revolution....

Review of Death Sentences. This is a special supervision proceedings for death sentences. If a court at the basic or intermediate level hands down a death sentence, it should submit the sentence to a higher court or the Supreme People's Court for re-examination and approval before execution, whether the defendant appeals or not....

The death penalty is pronounced only when absolutely necessary, and the fewer the better. Therefore, we put into practice the system of "death sentence with a reprieve." This means that offenders whose crime calls for capital punishment but who are not bitterly hated by the people or who have done grave but not extremely grave harm to the national interests and the people's interests, are "given death sentences, but granted a two-year reprieve and subjected to forced labour to see how they behave." This allows convicts a last chance to repent and reform themselves. If they sincerely do so during this two-year period, their sentences are commuted on expiration of the period of reprieve, to life imprisonment or imprisonment for a definite period. Experience shows that reformatory education in prison does enable the overwhelming majority of the "suspension-of-death" convicts to repent and earn a commuted sentence....

All Citizens Equal Before the Law

"In administering and applying the law, state organs must regard all citizens as equals," said the young jurist Li Buyun and some of his colleagues. This was an important issue raised at the forum.

The Organic Law of the People's Courts promulgated in 1954, they recalled, had decreed: In judicial proceedings in the people's courts, the law applies equally to all citizens, irrespective of their nationality, education, property state or length of residence. For a long time afterwards, however, this necessary and correct stipulation was said to be indistinguishable from the bourgeois concept that "All men are equal

before the law." "It lacked a class point of view" and was announcing that revolutionaries and counter-revolutionaries "are equal," certain people charged.

Jurists at the forum held that "All men are equal before the law" advanced by the bourgeoisie had played a certain revolutionary role in overthrowing feudal autocracy. Feudal law was avowedly for upholding a hierarchical form of society and its prerogatives for the ruling class.

The various bourgeois legal systems are based on the inequality of property. While they proclaim that all citizens have the right to vote, this right is conditional on the length of residence, education, property qualifications and so on, which immediately makes it impossible for the labouring people to enjoy actual equality with the bourgeoisie.

The equality the proletariat demands is the equality resulting from the ultimate abolition of classes. Socialist law, therefore, neither recognizes any class prerogatives nor tolerates any restrictions imposed by ownership of property and so on. It demands that all citizens are equal before the law in the true sense of the term. When we declare that all citizens are equal before the law, it is from the juridical point of view, that is, the law applies equally to all citizens. Legislatively, there is no stipulation that all citizens are equal; instead, the people must be distinguished from the class enemy. In this respect, upwards of 95 per cent of the population are considered as equals, but as treasonable and counter-revolutionary activities must be suppressed, so as far as traitors, counter-revolutionaries, newborn bourgeois elements and other bad elements are concerned, there is no equality for them with the people, but suppression of their sabotage activities. These provisions in the Constitution reflect the will of the proletariat and manifest the class nature of the law.

Juristically speaking, however, citizens are equal in the application of the law. Although unreformed landlords, rich peasants, reactionary capitalists and other class enemies are deprived, according to the law, of such political rights as to vote and stand for election, they are entitled to the same rights and performance of the same duties as the other citizens provided they do not offend against the law. These rights and duties include: their freedom of person and their homes are inviolable, they have the right to work and the right to rest and they must abide by the Constitution and the law, take care of and protect public property and observe

labour discipline. If they have acquitted themselves well after remoulding and education, their designations as landlords, rich peasants, counter-revolutionaries or bad elements are removed and they are restored all rights previously deprived. On the other hand, law-breakers among the people will be punished according to the law.

From Beijing Review 12 I, pp. 25-29, 32, and 35.

DEMOCRACY: NOT FOR CHINA

"Recent wall posters and mini-demonstrations in Peking have stimulated some naive speculation about whether China is moving toward Western-style democracy. It is not."

--A. Doak Barnett, N.Y. Times, 12D

HUMAN RIGHTS PROVISIONS OF THE PRC CONSTITUTION

Article 4. ...All the nationalities are equal.... Discrimination against, or oppression of, any nationality, and acts which undermine the unity of the nationalities are prohibited. Big-nationality chauvinism and local-nationality chauvinism must be opposed.... All the nationalities have the freedom to use and develop their own spoken and written languages, and to preserve or reform their own customs and ways.

Article 14. The state upholds the leading position of Marxism-Leninism-Mao Tsetung Thought in all spheres of ideology and culture. All cultural undertakings must serve the workers, peasants and soldiers and serve socialism.

The state applies the policy of "letting a hundred flowers blossom and a hundred schools of thought contend" so as to promote the development of the arts and sciences and bring about a flourishing socialist culture.

Article 18. The state safeguards the socialist system, suppresses all treasonable and counter-revolutionary activities, punishes all traitors and counter-revolutionaries, and punishes newborn bourgeois elements and other bad elements.

The state deprives of political rights as prescribed by law, those landlords, rich peasants and reactionary capitalists who have not yet been reformed....

Article 45. Citizens enjoy freedom of speech, correspondence, the press, assembly, association, procession, demonstration and the freedom to strike, and

to have the right to "speak out freely, air their views fully, hold great debates and write big-character posters."

Article 46. Citizens enjoy freedom to believe in religion and freedom not to believe in religion and to propagate atheism.

Article 47. The citizens' freedom of person and their homes are inviolable.

No citizen may be arrested except by decision of a people's court or with the sanction of a people's procuratoriate, and the arrest must be made by a public security organ.

Article 52. Citizens have the freedom to engage in scientific research, literary and artistic creation and other cultural activities....

Article 53. Women enjoy equal rights with men....

Article 55. Citizens have the right to lodge complaints with organs of state at any level against any person... for transgression of law or neglect of duty. Citizens have the right to appeal to organs of state at any level against any infringement of their rights. No one shall suppress such complaints and appeals or retaliate against persons making them.

Article 56. Citizens must support the leadership of the Communist Party of China, support the socialist system, safeguard the unification of the motherland and the unity of all nationalities in our country and abide by the constitution and the law.

EDITORIAL (cont'd from page 1)

important that this right be protected, not only for its own sake, but to insure that the government decision is reasonable and consistent with the interests of the majority.

The People's Republic of China is often cited as an example of a situation where suspension of civil liberties can be justified on the basis of the economic advances that allegedly would not have been possible in a free-expression context. Actually, the Peking government is now admitting that the Chinese economic performance has been less than outstanding, and that China remains a poor country. There is even some indication that the authorities realize that one reason that the economy is so backward is that people have not been free to point out the shortcomings of the economic system

In this respect, a radio report from Gansu (one of China's poorer provinces, rarely visited by foreigners) is instructive. Agricultural policies there, we are now told, were erroneous under the local administration which was ousted in 1977. This was understood at the time by many Gansuans, including one member of a county Party committee. "He put forward some dissenting opinions," Radio Lanzhou tells us, "but the leaders slandered him, saying that he did not believe in putting politics in command. They also stirred up a cold wind, and suppressed the people's revolution.... Their efforts put all cadres in a dilemma. When they emphasized production, they feared that [bad political] labels would be stuck on them. If they neglected production [in favor of politics], they feared that the people would starve." (GS12°14D77)

Thus, there is danger of people's economic rights being denied, not when civil liberties exist, but rather when they are denied. When freedom is absent, irresponsible administrators can suppress the facts. (In the Gansu case, "They did not allow people to reveal the truth.")

Under such circumstances, it is highly unlikely that people's economic rights can be realized, just as civil liberties cannot exist in a context of severe material deprivation. xxxx

A NOTE ON TRANSLITERATED CHINESE

SPEAHRhead generally uses the pinyin system in transliterating names and terms pertaining to the People's Republic of China. (For exceptions, see page 27.) The pinyin system has been used by the Chinese and U.S. governments since January 1. It is a slight improvement over the more familiar Wade-Giles system, though it has its own pitfalls. Three to be noted are the ch, sh and j sounds, which under some (but not all) circumstances are rendered "q," "x," and "zh," respectively.

TAIWANESE VIEW (cont'd from page 2)

lishment that "Today we are in the midst of enemies and thus we do not have the luxury of talking about human rights." Well, it is true enough that we have quite a few enemies these days. But in my view our biggest enemy is really those in power who are waving the banner of "anti-communism and national revival," while actually making it more difficult for us to resist communism, and preventing the revival of our [Taiwanese] nation.

It is a tiny minority which holds this elegant placard, blocking our march toward human rights, and preventing us from joining the mainstream of history. We stand at the edge of a cliff, and they would have us step off into utter isolation.

(Editor's note: Ms Su has been under government pressure in the form of charges (which we find unconvincing) of having forged official documents.) xxxx

CHINA'S HUMAN RIGHTS MOVEMENT

"An unstoppable wave which will explode like a bomb on April 5."

--From a Peking poster, HK16°18D

(Cont'd from page 4)

control of the news media, public reaction to the Yus' arrest was sharp. Some people even courted arrest by staging public demonstrations.

Seventeen of the most famous non-partisans issued a statement on January 22 calling the charges against the Yus "trumped-up," and terming the arrests "illegal." The statement, which was subsequently signed by many other people, declared that "this intensification of the tendency toward military and secret police rule, as well as acts of political persecution, will absolutely not be tolerated by us, and will be resolutely opposed to the end."

The government immediately began an "investigation" of these activities in support of the Yus, with Tao-yuan magistrate Hsu Hsin-liang (see page 16) singled for special attack. Hsu was instructed that he should not leave his office during business hours, and should not engage in irrelevant activities, and was subject to "discipline." His activities on behalf of a defendant whose case was pending were declared "improper." Other than the campaign of vilification, it is not known what action was actually taken against Hsu. (China News 23 I)

Yu Teng-fa was a sort of patriarch of independent politics in the Kaohsiung region. Although retired from office for some years now, he has a number of relatives active in politics. His daughter, Huang Yu Hsiu-luan, ran for a National Assembly seat in last year's abortive election. His daughter-in-law, Ch'en Hsiu-ying, is a member of the Taiwan Provincial Assembly. And his son-in-law, Huang Yu-jen, is the current Kaohsiung County Magistrate.

But apparently little of Yu Teng-fa's enthusiasm for politics had rubbed off on his son, Yu Jui-yen, who was arrested hours after Yu Teng-fa for reasons that remain something of a mystery. The younger Yu is a friend of Magistrate Huang, and it was in the latter's official residence that Yu Jui-yen was arrested. Jui-yen, like his father, was charged with "sedition." He is said to have a heart condition, and it is reported that the government is now holding him in Taipei's Three Services Hospital.

In the process of arresting Yu Teng-fa the agents ransacked his papers, confiscating many of them. They also raided the

home of his friend. They took clippings of Japanese newspapers containing news reports which the government does not permit Taiwanese to read. Included was an account of a conversation between Chiang Kai-shek, father of President Chiang Ching-kuo, in which the elder Chiang had told John Foster Dulles that it would not be possible to recover China. This admission had never been made publicly, and indeed the mainland-recovery myth is the rationale used by the Chinese Nationalists to continue their "Republic of China" dictatorship over the Taiwanese. The text of the conversation has been circulating underground, causing quite a sensation.

The December 25 proclamation which Yu and his associates had been promoting contained a series of proposals calling for the realization of human rights, representative government, the general liberalization of Taiwan's politics, and an end the martial law which has been in effect for three decades. It was demanded that the army be "nationalized," instead of being a party-army as it is believed to be at present. The governor of Taiwan Province and mayor of Taipei, it was said, should be elected instead of appointed as is now the case. An independent judiciary was demanded, as was an end to political imprisonment and torture. There were also various economic and social demands, such as public health care. Although the right of workers to bargain collectively was asked, the right to strike, which had been asserted in an early draft, was dropped from the final version.

These proposals elicited considerable interest both within Taiwan and among Chinese and Taiwanese abroad. By the same token, the arrest of Yu has aroused considerable concern. In Japan, the International Committee for the Defense of Human Rights on Taiwan issued a strongly-worded statement demanding the release of Yu and his son, and an end to all such arrests. In California, the Formosan Association for Human Rights (FAHR) said, "We urge the government to respect the human rights of the Yu family, and to release the two men promptly." FAHR expressed concern that not only were the rights of the Yus affected, but it also appeared that the right of the non-party people to assemble on February 1 was not being respected.

The American Section of Amnesty International immediately issued a statement saying that AI was watching the Yu situation closely. On January 31 AI's International Secretariat designated this an "urgent action" case,

發登余陷誣府國指 威示大動發民人台 雄高軍進鎮頭橋由血流計不稱

助選總部總連絡人余登發，可能因為黨外人士集二月的國事大會，於上週日被國民黨逮捕後，令其內外立即的反應。

總部設於日本東京兵庫縣的「保衛台灣人權國際委員會」昨以強烈的語氣，發出聲

Right: North American Daily January 24 page 1 lead story on Yu Teng-fa, based in large part on a SPEAHR press release.

報廿三日 (本
訊) 台灣
南部高雄
縣、市、
地區和台
北的羣
象正在臨
行示威進
動，抗議
國民黨
「共謀
」罪名，
逮捕黨外
人士領袖
，七十七
歲的元老
政治家余
登發。同
時，各國
人權團體
於昨日余
登發被捕
的消息傳
出之後，
強烈的抗
議，要求
台北的國
民黨政府
立即釋放
余登發。
這是黨外
人士

明，要求國民黨立即
釋放余登發和他五十
四歲的兒子余瑞言，
同時結束所有這種違
反人權的逮捕。
加州的台灣人權
協會說：「我們要求
台北政府尊重余氏家
人的人權，並且立即
釋放余登發父子。」
該會對其他黨外人士
可能被迫害的命運，
以及二月一日黨外
民黨禁止，表示關
心。
紐約區國際大赦
協會負責人在回答記
者的詢問時說，大赦
會正密切注視余登發
處境的發展。
東亞人權協會發
出的正式聲明說：「

which meant mobilizing Amnesty's world-wide Urgent Action Network on the Yus' behalf.

The day that Yu Teng-fa and Yu Jui-yen were arrested, the Society for the Protection of East Asians' Human Rights cabled President Chiang Ching-kuo with an "urgent appeal" to "respect the human rights of Yu Teng-fa."

SPEAHR also issued a press release containing most of the above information (see North American Daily treatment, right). The release contained this statement of SPEAHR's position on the case:

"The Society regrets that the government authorities on Taiwan have arrested non-Kuomintang leader Yu Teng-fa of Kaohsiung. Although SPEAHR is a non-partisan organization and thus does not politically endorse anyone, we deplore this apparent violation of Mr. Yu's human rights. We appeal to the authorities to effect his immediate release, and to afford both him and his son the benefit of due process of law."

本會對台灣當局逮捕
黨外領袖一事表示遺憾。
雖然本會是一沒
有派性組織，政治上
不持任何一方，我
們對這次明顯違背人
權的事件頗感痛心。
我們呼籲台灣當局立
即釋放余氏，並依法
定程序處理。該會
認為警總公佈的有關
余氏被捕的理由可疑
。該會說余登發被
捕的理由，難以確定
。過去，國民黨經常
用這種理由進行政治
逮捕。台灣的消息來
源猜測這是國民黨在
遠將失敗的大選中
，伺機黨外人士的手
段。(下轉第十二版)

(上接一版)該
會又說，下一次可能
成為國民黨的洩怒目
標的人，可能是黃信
介、黃順興、張俊宏
、林義雄、姚嘉文、
陳鼓應、施明德、陳
菊和王拓。
據台灣的消息來源說
，台北黨外人士猜測國
民黨將逮捕任何捲入
籌備二月一日黨外
是大會的人士。又說
，外界一般揣測，國
民黨逮捕余氏的企圖
，就是為了阻止黨外
國是大會的召開。
因為黨外人士和
人民羣眾組織的抗議
行動，國民黨逮捕的
行動也可能擴大。
據「台灣民主運

動海外聯盟」說，黨
外立法委員黃信介、
黃順興、康寧祥，省
議員林義雄、張俊宏
和蘇洪月嬌、桃園縣
長許信良以及王拓、
姚嘉文、陳菊等廿幾
人已集體南下，在高
雄縣市發動大示威。
這次可能引起黨
外人士與國民黨直接
衝突的大示威，將由
全島黨外領袖領導羣
眾，從高雄縣出發，沿
家鄉橋頭鎮出發，沿
鳳山市，直入高雄市
。這次可能引起國
民黨大逮捕，甚至流
血性報復的大示威，
已採決了三項決定：
一、沿示威途中

散發傳單，指控國民
黨羅織余登發的「共
謀」罪名，並要求立
即釋放余氏。
二、立即恢復競
選活動，不容不經選
舉而立即投票。(早
先消息，國民黨將宣
布恢復選舉並不經競
選過程，而立即投票
。因為國民黨連續破
壞黨外人士名譽，投
票結果勢必不公。)
三、如果國民黨
不放余登發，將包圍
台北警備總部，即使
流血在所不惜。
東亞人權協會昨
亦報導台北警總前將
有示威。迄今南部大
示威情況不詳。

人權組織抗議逮捕 黨外領袖集體南下



發登余

LI-YI-ZHE, CONT'D

for three years in Canton (his home city). After his release he resumed writing.

In the autumn of 1974, Li and his two friends, Chen Yiyang and Wang Xizhe, wrote what may well be China's most famous poster. Entitled "Concerning Socialist Democracy and the Legal System," it was actually a series of 67 posters which covered a Canton wall for hundreds of feet. Its 20,000-word essay was also reproduced and distributed in mimeograph form, and thus became available abroad. (A translation can be found in the fall 1977 issue of Chinese Law and Government).

"The masses demand democracy and a socialist legal system," the Li-Yi-zhe poster declared. "They demand revolutionary rights and human rights. These would protect the masses." They did not challenge the de rigueur slogan "Give democracy only to the people, not to reactionaries," but they maintained that this principle had been abused by leaders. The government, they said, should uphold "all democratic rights, which the masses deserve to have protected. Dictatorship should be exercised only over criminals who have committed murder, arson, gangsterism, robbery, theft, armed struggle and organized conspiracy."

Chairman Mao Zedong, the Li-Yi-Zhe trio said, had given the people the right of self-management, and the right to criticize. Under these circumstances, diversity of opinion should be tolerated. "What is so 'frightening' about heresy? Truth evolves out of struggle against fallacies." As for themselves, the three said that they would welcome the authorities' criticisms, though they placed their "anticipation for more lessons on the readers in the streets."

They pointed out that throughout the history of China, there had been some who had spoken out fearlessly. The pre-liberation leftist writer Lu Xun was cited in particular. Even Lu, it was noted, had been able to have his writings published, whereas today it is virtually impossible for unorthodox writers to get

published. Not only do the fearless have no outlet, but Li-Yi-Zhe themselves had to include in their poster a public appeal for paper.

More importantly, "shackles, barred windows, leather whips and bullets" awaited those who spoke out. "In the summer of 1968 ...all across the land there were arrests, suppressions, and miscarriages of justice." In Guangdong Province alone, more than one million people had been "imprisoned, put under control, or struggled against." Accused persons were not allowed fair trials. "When authorities fail to produce evidence, even after protracted periods of imprisonment and licentious maltreatment, they confuse a clear case further into an insolvable mess and then use this as an excuse to continue the case for yet a longer time, waiting for a chance to try it again." Political detention camps (which Li Zheng-tian knew well) were described as "scum-hole cow pens."

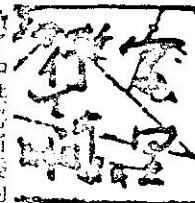
Unsurprisingly, the Li-Yi-Zhe poster did not meet with official approval. One national leader, Li Xiannian, described the essay as "vicious, malicious, and reactionary through and through." A harsh crackdown followed which affected hundreds. The three authors were first subjected to "criticism meetings" in Canton, and then taken away for "supervised work" (one reportedly in a coal mine). They remained under detention through 1978.

There were various campaigns to free the three men. The cases were taken up by Amnesty International, which in June 1978 declared Li Zhengtian one of three "prisoners of the month." (The other two were prisoners of conscience in South Africa and Ecuador.) Later in the year Paris's Mayor Jacques Chirac, on a visit to China, appealed to Vice Premier Deng Xiaoping to release the three. Toward the end of the year, poster campaigns in Canton (HK4°5I) and Peking (HK7°8I) also asked authorities to free them.

The Central Committee of the Chinese Communist Party took up the case in December, decided that the three should be released, and so instructed Guangdong officials. Li Zhengtian (who is about 37 years old) has now been fully rehabilitated, as have Chen Yiyang and Wang Xizhe. SPEAHR has written to congratulate the Chinese government for taking this step.

IMPORTANT NOTE

EXCEPT FOR EDITORIALS AND OTHER STATEMENTS WHERE SPEAHR ENDORSEMENT IS EXPLICIT, ALL MATERIALS IN SPEAHRHEAD REPRESENT THE VIEWS OF THE ORIGINAL AUTHORS OR ISSUING AUTHORITIES ONLY.



廣東省委本月六日在廣州舉行千人大會，公開為被打成「反革命集團」的「李一哲」寫平反。會上宣佈了中共對李一哲的平反決定，「李一哲」代表在會上作了講話。

廣東省委的平反決定稱：省委常委經過討論，一致認為，「李一哲」不是反革命集團，他們的大字報「關於社會主義的民主與法制」不是反動大字報，給予平反。因「李一哲」案受牽連被審查的其他人的問題，也應實事求是地予以解決。省委認為，在處理「李一哲」問題上的錯誤，應由省委承擔責任，進行自我批評。省委要求有關單位按照「有錯必糾」的原則，糾正有關這一案件的遺留問題，團結一致向前看，調動一切積極因素，同心同德，全力以赴，為加快我國社會主義現代化建設而奮鬥。

在平反會上，「李一哲」的代表李正天、王希哲和受牽連的胡哲厚分別發了言。他們一致擁護省委關於處理「李一哲」案件的決定。

Two discussions of the Li-Yi-Zhe affair from North American Daily 10F (below) and 14F (left).

李一哲正式獲平反 大字報批評鄧小平

(本報九日綜合報導) 廣東省委昨日宣佈，為「李一哲」正式平反，並公開為被打成「反革命集團」的「李一哲」寫平反。會上宣佈了中共對李一哲的平反決定，「李一哲」代表在會上作了講話。

共幹部週週對兩千人的羣衆說，這三位青年對民主和法治的看法是正確的。新華社引述幹部的話說：「每一個人都應該解放他的思想，每一個人都應該被允許自由說話，這樣才能創造一個有利的政治環境，使現代化的計劃得以加速實現。」

「李一哲」是三位青年的名字，各取一字，所湊成的筆名。他們在一九七四年所寫的攻擊中共當時官僚政治和極左思想和不民主實施的大字報，曾受到「四人幫」的攻擊和鎮壓。「四人幫」之後，海外不少人提出平反「李一哲」的要求。去年底也傳出三人被釋消息，但今日才由新華社報導證實。「李一哲」的平反，顯然是因為開放言論的新政策。北京昨日的新大字報批評鄧小平的現代化沒有消除「官僚階級」，反使人民貧窮。又要求有獨立的報紙、公開的預算和生產的數量，並說中國革命成功不應是毛澤東一個人的功勞。

廣東省委召開千人大會

李一哲案公開平反

李政天王希哲發表演說

李政天說，歷史終於作出了公正的判決！他表示要加強學習接受新思想，跟上大陸人民的思想覺悟水平。王希哲則表示，不再作中共反對派。

受委以後說，與無數死於林彪、四人幫」設下的冤獄的相比，我們的遭遇又算得什麼呢？如果我們不努力工作，不嚴格要求自己，怎能對得起死去的同志呢？他還說，在前進中，我們走過了曲折的道路，也犯過過

於西萬民主的，是建立在社會主義經濟基礎上的。我們是中國共產黨的「持相同政見派」，是科學社會主義的擁護派。

胡哲厚是代表因「李一哲」案件而受牽連的人發言。她說，我們感謝省委推翻了「李一哲」反革命集團這個大錯案。省委主要負責人還抽出了時間來接見我們，親切地與我們交談，聽取我們的意見。從這裏我們看到，我們黨在粉碎「四人幫」以後，思想政治路線正確了，黨的優良傳統逐步恢復，工作作風得到了很大的改變。我們擁護這樣的省委。

「李一哲」案案的概要是一九七四年十一月，李正天、陳一福、王希哲三人以「李一哲」的署名，在廣州北京路張貼了「關於社會主義的民主和法制」的大字報。當時廣東省委在請示中共高層負責人李先念、紀登奎之後，將該文打成「反動大字報」，並在全省範圍內展開批判。「四人幫」倒台後，廣東省委又在省五屆人民代表大會上正式把「李一哲」寫作「打倒「反革命集團」。寫作組成員及其主要支持者遭逮捕入獄。

COMING IN THE NEXT ISSUE OF SPEAHRHEAD...

MORE ON LI-YI-ZHE: Not only the men, but also their ideas, are being rehabilitated!

CHINA'S HUMAN RIGHTS MOVEMENT: A daring 12-point poster by democrats.

AMERICA'S ROLE: Human rights and U.S. aid.

...and other materials on human rights in China, Japan, the Koreas, Taiwan, Mongolia, etc.

MAJOR ARTICLES

This section lists materials which are too comprehensive to be cited in the Crossreference section, but too short to be reviewed in Human Rights in Asia.

Barnett, Robert W., "Human Rights in China," Worldview, M78. The author appears to consider civil liberties inappropriate for Chinese.

Cantwell, Becky, Don Luce, and Leonard Weinglass, "Made in Taiwan": A Human Rights Investigation (Asian Center, 198 Broadway, New York, NY 10038). An investigative report about political repression, problems faced by Christians, and economic exploitation.

Chan, Sylvia, "Political Assessment of Intellectuals Before the Cultural Revolution," Asian Survey, S78. Includes a discussion of thought reform in China.

Chao Nien-ju, R. Randle Edwards, and Andrew Nathan, "Current Chinese Views of Human Rights," in Human Rights: A Symposium (Columbia University, General Education Seminar). Thoughtful observations by three scholars.

Erdal, David, "I Worked in Mao's China," Worldview, N77. A British radical is disillusioned by his experience in China, 1974-76. A rare and powerful first-hand account.

Falkenheim, Victor C., "Political Participation in China," Problems of Communism, m78. A careful and very instructive study of the ways that ordinary Chinese do, and do not, participate in politics. Well researched (refugee interviews), and important.

Griffin, Patricia, "Prison Management in the Kiangsi and Yenan Periods," China Quarterly, No. 58. Discusses the years between 1928 and 1946, when the Communists held parts of Jiangsi and Shaansi provinces.

Gupta, Jyotirindra Das, "A Season of Caesars: Emergency Regimes and Development in Asia," Asian Survey, A78. Only in small part focussed on East Asia, but highly relevant nonetheless.

Hah, Chong-do, and Christopher C. Lapp, "Japanese Politics of Equality in Transition: The Case of the Burakumin," Asian Survey m78. Deals with one of Japan's few serious human rights problems.

Heaton, William R., Jr., "Mongolia 1978: Continuing the Transition," Asian Survey I. Good articles on Mongolia are not often found. This is one of the few, but it only tangentially touches on human rights issues (such as internal migration [13]).

Ho Ming, "On the Way to the Rule of Law: A Brief Discussion of the Features of the New Constitution," Chinese Law and Government, Summer 78. Translated from Qi-shi Niandai, A78. Discusses citizens' rights.

Huang, Mab, "Human Rights in a Revolutionary Society: The Case of the People's Republic of China," in A. Pollis and P. Schwab, Human Rights: Cultural and Ideological Perspectives (1979). One of the more comprehensive discussions of the subject.

Kuo, Warren, "Oppression and Persecution in Communist China," in Case Studies on Human Rights and Fundamental Freedom (The Hague 76). The Chinese Nationalist view.

Shirk, Susan L., "Human Rights: What About China?" Foreign Policy, Winter 1977-78. One of the better general studies. Reprinted in China Notes, Winter 1977-78.

Sutter, Robert G., "Human Rights in China," Congressional Research Service, F78. A comprehensive and balanced appraisal

Woo, Franklin J., "On Human Rights and China," China Notes, Winter 1977-78. Discusses the question of the universality of human rights. Stresses the need to address "the larger question of international economic justice."

ABBREVIATIONS

A April	JL Jilin Province	YN Yunnan Province
a August	LB Lin Biao	
AFP Agence France Presse	LN Liaoning Province	ZJ Zhejiang Province
AH Anhui Province	M March	
BJ Beijing (Greater Peking)	m May	
D December	N November	
F February	NM Nei Monggol (Inner Mongolia) Autonomous Region	
FJ Fujian Province		
GS Gansu Province	NX Ningxia (Hui) Autonomous Region	
GD Guangdong Province	o October	
GM Guangming Daily	PD People's Daily	
GX Guangxi (Zhuang) Autonomous Region	PRC People's Republic of China	
	QH Qinghai Province	
	ROC Republic of China (Taiwan)	
	S September	
GZ Guizhou Province	Sh SPEAHRhead	
HEB Hebei Province	SN Shaanxi (Shensi) Province	
HK Hong Kong		
HL Heilongjiang Prov.	SD Shandong Province	
HEN Henan Province	SH Greater Shanghai	
HB Hubei Province	SX Shanxi Province	
HN Hunan Province	SC Sichuan Province	
I January	TJ Tianjin (Greater Tientsin)	
J June	JWYZ (see right)	
j July	XJ Xinjiang (Uigur) Autonomous Region	
JS Jiangsu Province		
JX Jiangxi Province	XZ Xizang (Tiber) Autonomous Region	

This symbol indicates that our source is a broadcast transcript. Before the ° will appear the location of broadcasting station, and the date of origin. "Date of origin" means the date of the original report, which in some cases will be the date the report was first published (as in a newspaper), rather than date of broadcast. If different, the FBIS date follows the °. (U.S. Foreign Broadcast Information Service, Daily Report). FBIS volume number (IV, in the case of the People's Republic of China) is omitted if obvious. Years are not indicated except for items more than 9 months old. Broadcast dates are Greenwich Mean Time.

[] A two-digit number in brackets indicates the relevant article of the U.N.'s Universal Declaration of Human Rights (1948).

TRANSLITERATION OF CHINESE; The Pinyin system is used, with the following exceptions when appropriate: (1) Non-Mandarin place names, if such names are either very common "household words" in English, or not originally Chinese-language names (e.g. Tibet, Urumchi); (2) Well known ("household word") historical non-PRC personages (Confucius, Sun Yat-sen); (3) Names of people and places outside the People's Republic of China (including pre-1949 personages who left the mainland around 1949). (Names in pre-1979 reports often appear in modified Wade-Giles because transliteration is not feasible.)

The former leftist leaders Wang Hongwen, Jiang Qing, Zhang Chunqiao and Yao Wenyuan are popularly referred to as the "Gang of Four." Because this may be pejorative, we identify them as "JWYZ."

APPLICATION FORM

DO NOT WRITE ABOVE

NAME:

ADDR:

zip ↑ code

Please begin SPEAHRhead subscription with:

- ☐ Recent issue
☐ Forthcoming issue
☐ Other:

- ☐ Supporting member US \$ 25
☐ Regular member \$ 10
☐ Low income member \$ 1

(Low-income applications must be accompanied by four address labels. Such labels are welcome from any member, as they ease the workload of our over-worked volunteers. They may be on plain paper.)

- ☐ Non-member SPEAHRhead subscribers (any number of issues):

ADDRESS LABELS SUPPLIED	WITHOUT ADDRESS LABELS
-------------------------	------------------------

U.S.A.	\$1	\$2
FOREIGN	\$1.50	\$2.50

PER ISSUE

Send to:
 SPEAHR, P.O. Box 1212, Cathedral Sta.
 New York, N.Y. 10025, U.S.A.

CONTRIBUTIONS
TAX-DEDUCTIBLE

Contributions not accepted from political groups, corporations, or governments.

All members receive a one-year subscription (at least two issues) to SPEAHRhead.

CHECKS:

US dollar checks should be made payable to "SPEAHR."

Hong Kong dollar checks should be made payable to "Citibank # 50304402"

Japanese yen checks should be made payable to "ICDHRT."

Other currencies not accepted.



THE SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS
IS PLEASED TO SEND YOU THIS SAMPLE COPY OF ITS NEWSLETTER.

***** Please note: You are not on our mailing list unless you have contributed.

FOR SUBSCRIPTION INFORMATION, SEE OTHER SIDE OF THIS PAGE.

INSIDE: This issue of SPEAHRhead is largely devoted to the People's Republic of China, with one major article concerning Taiwan. We expect future issues to be no more than 50% concerned with the PRC, with the remaining space devoted to the other countries and territories of East Asia.

SOCIETY FOR THE PROTECTION OF EAST ASIANS' HUMAN RIGHTS
BOX 1212 NEW YORK 10025

NON-PROFIT ORG.
U.S. POSTAGE
PAID
NEW YORK, N.Y.
PERMIT NO. 2502

PRINTED MATTER